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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,678	09/30/2003	Gary Dean Anderson	ROC920030289US1	6756

30206 7590 12/04/2006	EXAMINER	
IBM CORPORATION	NGUYEN, TANH Q	
ROCHESTER IP LAW DEPT. 917		
3605 HIGHWAY 52 NORTH	ART UNIT	PAPER NUMBER
ROCHESTER, MN 55901-7829	2182	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/675,678	ANDERSON ET AL.
	Examiner	Art Unit	
	Tanh Q. Nguyen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09/30/03</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3.   Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification only provides support for autonomically adjusting port speeds of components connected by the interconnection cable based on the cable identifier [e.g. page 14, lines 10-11], or for autonomic configuration of cable speeds [e.g. page 7, lines 21-29].

The specification does not provide support for <u>autonomically</u> reading a cable identifier from an interconnection cable connecting components in the computing environment and the specification does not provide support for <u>autonomically</u> storing the cable identifier from the interconnection cable in a software object within the computing environment. The specification merely provides support for reading a cable identifier from an interconnection cable connecting components in the computing environment,

and storing the cable identifier from the interconnection cable in a software object within the computing environment [e.g. page 7, lines 23-36; page 14, lines 13-24]. Since the specification is ambiguous about the presence or absence of a claimed autonomically reading and autonomically storing, the specification cannot be considered to teach the existence of such steps.

4.   Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See the argument regarding the written description above.

5.   Claims 4-7, 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

        Claim 4 recites "an associated interconnection cable" in line 2, claim 5 recites "an associated interconnection cable" in line 2, claim 6 recites "an associated interconnection cable" in line 6, and claim 7 recites "an interconnection cable connector" in lines 1-2. The claims are indefinite because the cable identifier is associated with the interconnection cable recited in claim 1. It appears that "an associated interconnection cable" in claims 4-6 should be replaced with --the interconnection cable--, and "an interconnection cable connector" in claim 7 should be replaced with --a connector of the interconnection cable--.

        Claim 13 recites "an associated interconnection cable" in line 2, claim 14 recites

"an associated interconnection cable" in line 6, and claim 15 recites "an interconnection cable connector" in lines 1-2. The claims are indefinite because <u>the cable identifier is associated with the interconnection cable recited in claim 1</u>. It appears that "an associated interconnection cable" in claims 13-15 should be replaced with --the interconnection cable--.

6.   Claims 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the computer environment" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said computer readable program being configured to perform the steps of". The claim is indefinite because a program is normally used for a configuration operation, and it is not clear how a program is configured - as a program itself is not configurable.

7.   The rejections that follow are based on the examiner's best interpretation of the claims.

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9.   Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 10 recites "A computer-readable program stored on a computer-readable medium, said computer readable program being configured to perform the steps of:". Applicant discloses computer-readable signal bearing media including transmission type media such as communications links [[0036]]. Signals on transmission media are not considered statutory, and do not fall into one of the four statutory categories (process, machine, manufacture, or composition of matter). See "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" posted on USPTO website on October 26, 2005 and published in the Official Gazette on November 22, 2005.

Furthermore, the claims amount to a program per se, and is non-statutory because the program does not cause physical transformation, and because the program does not produce a useful, concrete, and tangible result - without being executed by a computer.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

12.   Claims 1-5, 7-13, 15-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kopelovitz et al. (US 2002/0138604) in view of Faddell et al. (USP

5,938,742).

13.   As per claim 1, Kopelovitz teaches a method, the method comprising:

        automatically/autonomically reading a cable identifier (path attributes) from an

interconnection cable connecting components in the computing environment [Abstract,

[0027], [0076]];

        automatically/autonomically storing the cable identifier from the interconnection

cable in a software object (database) within the computing environment [Abstract].

        Kopelovitz does not teach automatically/autonomically adjusting port speeds of

components connected by the interconnection cable. Faddell teaches adjusting port

speeds of components connected by the interconnection cable [col. 45, lines 47-58]. It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine Kopelovitz with Faddell because the combination would allow for

automatically/autonomically reconfiguring the port speeds of the components connected

by the interconnection cable [col. 7, lines 5-17].

14.   As per claims 2-3, Faddell teaches the reconfiguration being triggered upon

system bring-up [power up: col. 2, lines 30-42], and during run time [hot plugging: col. 2,

lines 25-30];

15.   As per claims 4-5, Kopelovitz teaches the cable identifier containing the length

and the type of the interconnection cable [[0024], [0027]].

16.   As per claim 7, Kopelovitz/Faddell does not teach a voltage supply of the

interconnection cable connector and bias resistors on the connected components

creating the cable identifier. It was however known in the art to identify a cable type

using the voltage supply on the cable connector and bias resistors on the connected

components. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to use the voltage supply of the interconnection cable

connector and bias resistors on the connected components to identify the cable type -

hence the cable identifier.

17.   As per claim 8, Kopelovitz teaches a database in a computer system - hence a

logically partitioned computer system (see rejection of claim 1 above).

18.   As per claim 9, Kopelovitz/Faddell teaches the components being I/O peripheral

devices. Since it was known in the art at the time the invention was made for I/O

devices to be enclosed in a housing for circuitry protection, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to enclose the I/O

circuitry in order to protect the I/O circuitry - hence the components being I/O

enclosures

19.   As per claims 10-13, 15-17, the claims generally correspond to claims 1-4, 7-9,

and are rejected on the same basis.

Allowable Subject Matter

20.   Claims 6, 14 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims and if the 112 rejections are overcome.

Response to Arguments

21.   Applicant's arguments filed September 28, 2006 have been fully considered but

they are either not persuasive or moot in view of the new ground(s) of rejection.

22.   The argument with respect to the cited section (page 14, lines 1-24) of the

specification teaching "autonomically reading a cable identifier…, and autonomically

storing the cable identifier" is not persuasive.

It appears that applicant relied upon the specification teaching "the interface

speed adjustment mechanism autonomically adjusts port speeds of components

connected to the interconnection cable 113…", and the definition of "autonomic

computing" from Webopedia to imply that reading a cable identifier is autonomic, and

that storing the cable identifier is autonomic.

The argument is not persuasive because the cited section of specification merely

supports the speed adjustment to be autonomic and **nothing else. The reading of the

cable identifier is not disclosed as autonomic reading. The storing of the cable

identifier is not disclosed as autonomic storing.** Since the specification is

ambiguous about the presence of a claimed autonomically reading and autonomically

storing, the specification cannot be considered to teach the existence of such steps.

The definition of "autonomic computing" cannot be related to autonomic speed

adjustment because the claims do not recite "autonomic computing". Furthermore,

definitions from online sources are known to be unreliable. In addition, it is not known

whether the definition is obtained prior to the effective date of the application.

The definition of "autonomic computing" introduced by applicant essentially

provides no more than one of several interpretations for autonomic, and does not

support reading a cable identifier being autonomic and storing the cable identifier being

autonomic. An alternative reasonable interpretation for "autonomic" is "automatic".

23.   The argument with respect to the 112 second rejections of claims 4-7, 13-15 is

moot in view of the new grounds of rejection (see rejections above).

24.   The argument with respect to the teachings of Kopelovitz is not persuasive

because "a cable identifier **from** an interconnection cable connecting components in the

computing environment" can be reasonably interpreted as "a cable identifier **associated**

with an interconnection cable (or a cable identifier **for** an interconnection cable, or a

cable identifier **of** an interconnection cable) connecting components in the computing

environment". **Because Kopelovitz teaches automatically reading the cable**

identifier (from the database), and because the claims do not specify reading the

cable identifier from within the interconnection cable itself, Kopelovitz teaches

the claimed limitation.

Furthermore, only the description of the automatically reading the cable identifier

is beyond the scope of Kopelovitz's invention. The function of automatically reading the cable identifier is taught by Kopelovitz in [0076].

25.   The argument with respect to Faddell not teaching "automatically reading a cable identifier from an interconnection cable connecting components in the computing environment" is not persuasive because Faddell was not relied by the examiner to teach such limitation.

26.   The argument with respect to Kopelovitz not storing the cable attributes within the cable itself is not persuasive because **the features upon which applicant relies [i.e., storing the attributes of the cable within the cable itself via a cable identifier, and these cable attributes are then automatically read by a software application (e.g. interface speed adjustment mechanism)] are not recited in the rejected claim(s)**. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

27.   The argument with respect to Kopelovitz teaching away from the existence of a cable identifier in the interconnection cable itself is not persuasive because it appears that applicant did not take into consideration the well-known statement (to identify a cable type using the voltage supply on the cable connector and bias resistors on the connected components), and because the argument is predicated on automatically reading a cable identifier stored within the cable itself. Note that the creation of the cable identifier and the automatic reading of the identifier stored on the cable identifier can be reasonably considered as two different operations. Furthermore, since applicant

did not traverse the well-known statement, the well-known statement is treated as prior
art.

28.   The argument with respect to Kopelovitz not teaching a logical partitioned
computer system is not persuasive because a database is a logical entity and is a
partition in a computer system - hence the computer system being a logical partitioned
computer system.

29.   The argument that Kopelovitz/Faddell does not teach the components being I/O
peripheral devices or I/O enclosures is not persuasive because Kopelovitz teaches
customer data equipment [Abstract, lines 11-12] and Faddell teaches I/O peripheral
devices [Abstract, line 3], and because it because it appears that applicant did not take
into consideration the well-known statement (I/O devices to be enclosed in a housing for
circuitry protection). Note that the well-known statement is treated as prior art since
applicant did not traverse the well-known statement.

Conclusion

30.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.
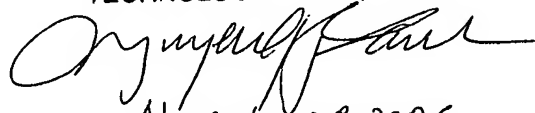
31.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-

4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for ·

the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free).

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

TQN
November 28, 2006